

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

JOHN TERRELL, #76798

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:07cv169-KS-MTP

JAMES JOHNSON, RONALD KING,
JASON HOLMES, and K-9 UNIT

DEFENDANTS

ORDER

Upon consideration of the complaint submitted according to 42 U.S.C. § 1983 in the above entitled action the court makes the following findings and conclusions. This court finds that the K-9 Unit is not a legal entity that may be named as a party in an action. Therefore, it will be dismissed. However, the plaintiff has stated, at least on the face of the complaint, an arguable claim against defendants Johnson, King and Holmes. Accordingly, it is

ORDERED

1. That K-9 Unit be dismissed as a defendant in this action.
2. That the plaintiff within 20 days of the date of this order shall provide this court with the civil action number of every civil action or appeal which the plaintiff has had dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted. Plaintiff shall also provide the name of the court and name(s) of defendant(s) in each civil action identified.
3. That the United States District Clerk is hereby directed to issue summons to the defendants,

**JAMES JOHNSON, Warden
South Mississippi Correctional Institution
22689 Highway 63 N
Leakesville, MS 39451**

RONALD KING, Superintendent
South Mississippi Correctional Institution
22689 Highway 63 N
Leakesville, MS 39451

JASON HOLMES, Lieutenant
South Mississippi Correctional Institution
22689 Highway 63 N
Leakesville, MS 39451

requiring a response to the complaints. The Clerk is directed to attach a copy of this order to each complaint that will be served on the named defendant(s). The United States Marshal shall serve the same pursuant to 28 U.S.C. § 1915(d).

4. That the defendant(s) file his answer or other responsive pleading in this cause in accordance with the *Federal Rules of Civil Procedure* and the Local Rules of this Court.

5. That subpoenas shall not be issued except by order of the Court. The United States District Clerk shall not issue subpoenas upon request of the pro se litigant, but shall instead forward the request to the Magistrate Judge assigned to this cause for review. The plaintiff shall submit all request for the issuance of subpoenas to the Magistrate Judge's office for review.

6. That as provided in 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure, this Court may designate and assign a magistrate judge to hear a prisoner petition challenging the conditions of confinement. This Court hereby refers this cause to **United States Magistrate Judge Michael T. Parker** for all further proceedings provided for by 28 U.S.C. § 636 and Rule 72 of the Federal Rules of Civil Procedure to include conducting hearings and submitting to the district judge assigned to this cause proposed findings of fact and recommendations for the disposition of this cause.

The plaintiff should understand that this order allowing process to issue against the above named defendants does not reflect any opinion of this Court that the claims contained in the complaint will or will not be determined to be meritorious.

It is the plaintiff's responsibility to prosecute this case. Failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of this case.

SO ORDERED, this the 11th day of September, 2007.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE